

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

LUNELL GAMBLE, ET AL.,

Plaintiffs,

vs.

**KAISER FOUNDATION HEALTH PLAN, INC.,
ET AL.,**

Defendants.

CASE NO. 17-cv-06621-YGR

SCHEDULING ORDER

TO ALL PARTIES AND COUNSEL OF RECORD:

On May 25, 2022, the Court held a special status conference. For the reasons stated on the record, the Court hereby **SETS** the following schedule *for class certification*:

Deadline to meet and confer over any pending discovery disputes: **June 10, 2022.**

Deadline to issue Rule 30(b)(6) deposition notices: **June 17, 2022.**

Deadline to bring discovery motions before magistrate judge: **June 24, 2022.**

Deadline to complete Rule 30(b)(6) depositions: **July 29, 2022.**

Deadline to disclose opening expert opinions: **August 12, 2022.**

Deadline to complete opening expert depositions: **August 26, 2022.**

Plaintiffs' deadline to file class certification motion: **September 9, 2022.**¹

Deadline to file rebuttal expert reports: **September 14, 2022.**

Defendants' deadline to file opposition to class certification: **September 30, 2022.**

Deadline to complete rebuttal expert depositions: **October 7, 2022.**

Plaintiffs' deadline to file reply concerning class certification motion: **October 21, 2022.**

¹ For administrative purposes, the Court **SETS** a compliance deadline of September 9, 2022, on its calendar at 9:01 a.m. Appearances are not required. As stated on the record, the Court is setting this compliance deadline because plaintiffs' failure to timely file a motion will result in a waiver of the class allegations.

Hearing on class certification motion: **November 15, 2022, at 2:00 p.m. in Courtroom 1.**

As discussed at the status conference, the Court is providing a schedule for dispositive motions that is contingent upon the class certification order. Accordingly, the Court hereby SETS the following schedule:

Non-Expert Discovery Cutoff: **30 days after denial of class certification order if class certification is denied or 60 days if class certification is granted. All remaining dates run from the close of the non-expert discovery cutoff.**

Disclosure of Expert Reports (All Experts, Retained and Non-Retained Must Provide Written Reports Compliant with FRCP 26(A)(2)(B):

Opening Reports: **30 days thereafter.**

Rebuttal Reports: **21 days thereafter.**

Expert Discovery Cutoff: **30 days thereafter.**

Dispositive Motions/*Dauberts*: **30 days thereafter.**²


Trial: The court will set a trial date and corresponding deadlines following the resolution of any dispositive motions.

Given the age of this case, the parties are cautioned that the Court will not grant any extension absent clear and compelling reasons. As stated on the record, plaintiffs' counsel is on notice that being a solo practitioner is not an excuse to delay these proceedings.

Finally, the District is currently in a judicial emergency resulting from increased case volumes, COVID-19 backlogs, limited resources, and judicial vacancies. In light of the foregoing, parties and their counsel are highly encouraged to resolve disputes without Court intervention. Counsel is instructed to conduct litigation in accordance with Rules 1 and 11 and this District's Guidelines for Professional Conduct.

IT IS SO ORDERED.

Dated: June 1, 2022


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

² See Standing Order regarding Pre-filing Conference Requirements for motions for summary judgment.